

LINCOLN PLANNING BOARD

MAY 24, 2006

MINUTES

The regular meeting of the Planning Board was held on Wednesday, May 24, 2006, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:04 p.m. The following members were present: Patrick Crowley, Diane Hopkins, John Mancini, Gerald Olean and Michael Reilly. Absent were David Lund and Gregory Mercurio. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, and Assistant Town Solicitor Paul Brule. Margaret Weigner kept the minutes.

Chairman Mancini advised four members present; have quorum.

SECRETARY'S REPORT

Mr. Olean made a motion to move Secretary's Report down after item #11 - Correspondence/Miscellaneous. Mr. Reilly seconded motion. Motion passed unanimously.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could be removed and discussed separately by making a motion. There are five items on the agenda for consideration.

Chairman Mancini asked if the items for Omnipoint Communications were seen before and Mr. Ranaldi stated that the Zoning Board held up the applications for more information. Chairman Mancini asked about the one item listed as Final Plan Approved under Correspondence/Miscellaneous. Mr. Ranaldi stated that it was the subdivision of one lot into two lots, on Great Road, which met all of the subdivision regulations. The applicant satisfactorily met all of the town's requirements for final plan approval.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee (TRC). Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to move item #9 up on the agenda before the public hearing. Mr. Reilly seconded motion. Motion passed unanimously.

BOND REVIEW – RELEASE/REDUCTION

a. Cider Mill Estates AP 23 Lots 118 & 206 Bond Reduction

Robert J. Bouthillier Cider Mill Lane

Ms. Wiegand stated that the developer has been working steadily along. The bond included a retainer wall. The bond for the amount of the wall has been released. She observed construction – drainage, sewer, and water is in. The site is safe. Chairman Mancini stated that the bond was for \$50,000 and is that amount reducing by \$21,000.

Mr. Olean made a motion to reduce cash remediation bond for Cider Mill Estates to \$29,000 remaining. Ms. Wiegand stated that the remainder is still a considerable amount. Mr. Reilly seconded motion. Motion passed unanimously.

**b. Lincoln Reserves AP 41 Lots 73 & 12 Bond Release
Toll Brothers Albion Road**

Ms. Wiegand stated that she recommends releasing the bond. Everything is done – condo project – town owns and maintains nothing. The site is stabilized. The Town is still holding the bond for Albion Road.

Mr. Olean made a motion to release the cash remediation bond of \$20,300 back to the developer. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean asked about the different kinds of bonds and asked why these bonds are cash bonds. Mr. Ross explained that remediation

bonds were given in the past, but there were problems, such as a bond getting cancelled. There were problems with the project and the Town found out too late that the bond had been cancelled. The matter is now in litigation.

Ms. Hopkins arrived at meeting.

Mr. Olean made a motion to move #8 to next item on agenda. Ms. Hopkins seconded motion. Motion passed unanimously.

MAJOR LAND DEVELOPMENT REVIEW

- a. Nafta Mills AP 34 Lot 14 Final Land Development Plan
A. F. Homes Old River Road Discussion/Approval

Mr. Ranaldi stated that the Town has been waiting for the final condition of approval for this condominium project. As a courtesy, he has been keeping it on the agenda in case the approval comes in. The approval has not been received as of yet. He recommends postponing making a decision on this matter.

Mr. Olean made a motion to defer Nafta Mills to next month for discussion. Mr. Reilly seconded motion. Chairman Mancini asked why it was taking so long and Mr. Kelly stated that it is not unusual for RIDEM to take so long. Mr. Reilly asked Ms. Wiegand about a pile

of earth in the back left hand corner that is supposed to be covered. He stated that two piles were not covered. Ms. Wiegand stated that sometimes the covers blow off. Mr. Reilly stated that as a half hour ago, the piles were not covered. Mr. Kelly stated that he will advise his clients to get out there and repair it right away. Motion passed unanimously.

MAJOR SUBDIVISION REVIEW

a. Bank RI AP28 Lot 51 Public Hearing – 7:15 pm

**Bank RI George Washington Hwy. Preliminary Plan Discussion/
Approval**

Chairman Mancini explained the process for the public hearing. The list of abutters was read – no abutters present. Mr. Ranaldi will give a presentation, then the developer, then the Board will ask questions, and then the public may speak.

Mr. Ranaldi stated that this application is under the 2005 Subdivision Regulations. It is classified as a major subdivision due to the project's need for zoning relief, which was granted on April 4, 2006. The Board has until August 9, 2006 to approve, approve with conditions or deny. The TRC and Engineering Division and the Board have reviewed this project several times. The applicant has addressed all of the Town's concerns. The site plan has some

conditions of approval, which is regarding the access. Groundwater condition of approval is that any floors or basements are set above the seasonal high groundwater elevation. Wetlands were flagged and have an application for verification of wetlands. The applicant would have to apply for a Physical Alteration Permit (PAP) to receive access, but no use has been established yet. The Town feels comfortable with the state reviewing for any type of proposed establishment. A connection and approval is needed from Narragansett Bay Commission (NBC). The Lincoln Water Commission (LWC) has three conditions of approval, which the TRC feels that the applicant can meet. Drainage would drain toward George Washington Highway and that will be reviewed when applying for the PAP from RIDOT. The TRC recommends approval with the conditions as stated in the TRC report.

Mr. Peter Ruggiero stated that he is representing the applicant. He has no objections to the TRC's conditions of approval. This is a three lot subdivision – two lots have frontage on Route 116, one lot is Dunkin Donuts. The rear lot has not frontage, but has access to Route 116. That is why the applicant went to the Zoning Board for a dimensional variance. This project is to coincide with the Bank's eventual purchase of a neighboring property where they would merge the neighboring property with the rear lot. The acquisition is planned for January of next year. Ms. Elizabeth Carroll of Bank RI is present, along with George Caldow, a consultant, and Nicole Wilkerson of Casali Engineering. Two presentations were made previously to the

Board. All of the deeds were prepared referencing the TRC's recommendations. He asked the Board if the Board saw fit to grant approval, to make it a condition of final plan approval. He will present the deeds to the Town Solicitor prior to the final plan being approved.

He also asked that the Board delegate final approval to the Town Planner.

Mr. Crowley stated that it is very confusing going into the property now. It looks as if you're going into Dunkin Donuts when trying to go into the Bank. Would these plans ease that congestion? It is unclear trying to get to the bank headquarters. Mr. Ruggiero stated that Ms. Wilkerson would speak on that. Ms. Wilkerson stated that they intend to work with RIDOT and the Town to resolve the issues that exist now. Improvements will be made with additional signage and there will be designated entrances to alleviate congestion.

Mr. Ranaldi stated that any proposed building would have to come before the Board for review. The bank is not a public building, just the ATM area. The Town has been working with the Bank and there will be a clear distinction when done. Mr. Crowley stated that he almost got clipped when walking from the ATM to Dunkin Donuts. Chairman Mancini asked if there was anyone in the public that wanted to speak. No one came forward.

Mr. Olean made a motion to close the public hearing. Mr. Reilly seconded motion. Motion passed unanimously.

Chairman Mancini asked Mr. Ross about reviewing the needed documents and Mr. Ross stated that he has had discussions with Mr. Ruggiero in the past and he is most cooperative. Mr. Ross does not have any problems.

Mr. Olean made a motion to approve the TRC's recommendation to approve with conditions the Preliminary Plan Subdivision. Ms. Hopkins seconded motion. Motion passed unanimously.

Ms. Hopkins made a motion to delegate final approval to the Administrative Officer. Mr. Olean seconded motion. Motion passed unanimously.

b. Sables Road Subdivision – Phase I AP 44 Lot 33 Preliminary Plan Discussion/

Leslie W. Sables Angell & Whipple Rds. Approval

Mr. Ranaldi stated that this is under the 2005 Subdivision Regulations and is a subdivision of one (1) lot into seventeen (17) single-family residential lots. The project is proposed to be reviewed in two phases. Phase I represents the development of nine (9) single-family residential lots and one new cul de sac. Phase II represents the development of six (6) single-family residential lots on an existing road, East Lantern Road. Chairman Mancini asked if the Board was

only concerned with Phase I and Mr. Ranaldi replied that was correct. The TRC looks at some items in Phase II to see how everything would be eventually developed. It helps to look at the infrastructure. Chairman Mancini asked about line 8 of the TRC report for this project which states approve Master Plan and Mr. Ranaldi stated that it should read Preliminary Plan, not Master plan. On April 26, 2006 the applicant received a Certificate of Completeness and the Board has until August 24, 2006 to approve, approve with conditions, or deny. The TRC and Engineering Division reviewed the submitted plans and have some comments. Approval is needed from the RI Department of Environmental Management (RIDEM). There are two detention basins and a drainage collection system that has been sized and located appropriately. Phase II must show the swale in front of the proposed lots on East Lantern Road to be maintained by individual property owners as a restriction on their deeds. Drainage is all set for Phase I. There is significant ground water problem in area and no forms of subdrains will be allowed to drain onto the road or abutting properties. The Town Engineer did not witness the soil evaluation test pits. The engineer has submitted soil elevations for the two detention basins and other locations throughout the site. The bottom of the basins appears to be set above the seasonal high groundwater elevation and as a condition of approval is that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation. The design and ownership, maintenance and operation of the proposed pumping station for the 9 lots in Phase I will be owned by a Home Owner's Association (HOA).

The HOA agreement must be reviewed and approved by the Town Solicitor. The developer must also provide a generator for the Rollingwood pump station as agreed to in negotiations with the Department of Public Works, the attorney, and the applicant. Approval is needed from NBC. The Lincoln Water Commission (LWC) and the developer have been working on a waterline design. They have come to an agreement. A condition of approval would be a letter from the LWC. There will be no excavating within 25' of the cemetery. The owner of the cemetery and any easements associated with it should be determined. On Phase II, several offsite improvements to Lantern and East Lantern Roads were discussed. There are two lots that do not have sufficient buildable lot envelopes - Lot #6 and #10. The applicant has made a modification to those two lots. Chairman Mancini asked if Phase II was approved at the Master Plan level and Mr. Ranaldi replied yes. Chairman Mancini asked why that wasn't discussed – about Lots #6 and #10. Mr. Ranaldi stated that Master Plan is a concept. The applicant has successfully addressed all of the Town's concerns and the TRC recommends advancing to the public hearing stage in June or July. Chairman Mancini asked about the waiver for sidewalks. Mr. Ranaldi stated there was a waiver being requested for sidewalks. Mr. Olean asked if Phase I represented 9 lots, then Phase II represents 8 lots, not 6. Mr. Ranaldi stated that it was a typo; Phase II represents 8 lots, not 6. Mr. Reilly commented if this is a presentation of Phase I, then the comments from Phase II should not be looked at. The Board is looking at Phase I. Chairman Mancini agreed but stated that if the

developer is coming in front of us for Master Plan approval, and we knew there would be a Phase II, he would want to look at Phase II to see if there are any conflicts. Ms. Wiegand stated that a traffic issue was raised with the narrowness of East Lantern Road and wanted to make it clear that any repair or work to improve that road is in Phase II. Chairman Mancini asked how far behind was Phase II from Phase I.

Mr. Kelly replied a couple of months. Chairman Mancini stated that since Phase II is only a couple of months behind that the Board needs to look at some things on Phase II.

Mr. Kelly stated the wetlands application is pending – received their comments back and revised the application – expect response in due course from RIDEM. There has been a movement of some utilities out of the wetlands. The developer has no problems with the drainage comments – Phase I is acceptable; Phase II will be addressed at that level. There are no problems with the groundwater condition as far as the basements and finished floors. The public sewers have been an issue for years with this development. An arrangement has been made with Public Works whereby a HOA will maintain the entire sewer system, similar to a condominium agreement. The HOA will have a maintenance contract for the system from the get go in case of problems. In addition, the developer will fund the purchase of a generator for the Rollingwood Pumping Station. They have had several meetings with the LWC and a final draft was sent to the LWC. The HOA and the developer would be responsible for the water system. The developer is funding a special fund in case of issues

with water lines or repairs. The cemetery is owned by the Town of Lincoln and an access easement has been given. Lot #6 was revised with no change in the lot lines, just changed the location of the house. With the revision of the location of the house, the building envelope meets the setbacks of the zoning code. He believes all of the issues can be addressed by June's meeting. They are close to final plans with the LWC.

Chairman Mancini asked about Lot #10 in Phase II and Mr. Kelly stated that issue would be addressed at Phase II. The issue arose because an easement was moved out of the wetland buffer at the request of RIDEM. Mr. Olean wanted Lot #6 clarified. Mr. Ranaldi stated that Lot #6 was an odd shaped lot and the Zoning Enforcement Officer, who sits on the TRC, determined that the arc of the cul de sac was the front, a lot can only have two sides, and everything else is a rear. That tossed the buildable lot area all the way to the back of the lot. Originally, the house was closer to the road. They were able to fix it and have an acceptable amount of buildable lot area. Mr. Olean commented that he is not in favor of giving waivers for sidewalks. Mr. Kelly stated that sidewalks are proposed on one side. Chairman Mancini advised that no waiver is needed. Mr. Kelly stated the waiver was requested out of an abundance of caution. Mr. Reilly stated that the plan that was handed out was revised, but with no revision date. Mr. Kelly stated that this is not a formal submission, but will make sure the Board receives a complete set of plans with the revision dates. Chairman Mancini stated that the public hearing at Preliminary

Plan level is very important. Mr. Kelley agreed.

Mr. Olean made a motion to move to a public hearing. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Ross stated that he received the documents for the HOA yesterday and will discuss revisions with Mr. Kelly. Since Mr. Rosen determined the ownership through the Land Evidence Records, Mr. Ross would like the reference for the instruments for the ownership of the cemetery for his records. Mr. Crowley asked if the Board would have an idea of the HOA agreement. Mr. Kelly stated that it would be worked out with Mr. Ross and submitted to the Board for review. Mr. Ranaldi stated that the public hearing will be on June 28, 2006.

**c. JCM Estates AP 26 Lot 2 Master Plan Discussion/
JCM, LLC Jenckes Hill Road Approval**

Mr. Ranaldi stated that this is a subdivision of one lot into two residential lots. It was under the 2005 Subdivision Regulations and it is classified as a major subdivision due to the project's request for several subdivision waivers. The Board is looking at it as a Major Subdivision at Master Plan level. The Master Plan received a Certificate of Completeness on May 11, 2006; therefore, the Board has until September 8, 2006 to make a decision regarding this application.

This is one lot subdivided into two residential lots. The project is to put in a cul-de-sac to service the one existing lot and the one

proposed lot. Several waivers are required: 1.) The first waiver is the width of the road – applicant is proposing twenty four feet (24'); 2.) The second waiver is sidewalk requirements – they are proposing no sidewalks; and 3.) The third is the granite curbing requirement - they are proposing no curbing. The TRC has reviewed this and it is certainly outlined in great detail in the TRC report and the TRC recommends denial of their waiver requests. Chairman Mancini stated that would result in denial of the plan itself. Mr. Ranaldi stated that the TRC felt that the waivers that the applicant is looking for is unacceptable to the Town and there are several statements to that regard – the width of the road as a safety problem, no curbing. The TRC recommends denial of this application – the TRC feels that this does not meet several regulations – general purposes of the subdivision regulations – or the Comprehensive Plan. We outlined the purposes of the subdivision regulations, Purpose #2, #3, #4, and #5. The plan does not approach it. We have seen this in different reiterations and again the TRC feels denial for this plan at this stage. Mr. Kelly stated that he received all of the comments in the last few days. The applicant originally asked for a frontage variance for this lot, which seems to be the best alternative, but the Zoning Board saw fit to deny it. Chairman Mancini asked if that was the plan for the house to be behind the other one - the hockey stick lot. In terms of the waivers, they possibly did not document the need for waivers and why the waivers would not cause a significant problem for the Town. Given the fact that there is only one house, in terms of the 24' roadway, there is only one house with the potential for very few cars,

only two cars in the peak hour. A twelve foot lane is sufficient for fire trucks but they'll address that going forward. In terms of the sidewalks with one house, the waiver on the sidewalks would be in order. In terms of the curbing waiver, given the fact that there is only one house on this roadway, we think that with Cape Cod berms, there is no real issue in terms of safety and may reduce maintenance and would handle the drainage. The width of the roadway is a direct result of only one house and seeking to reduce impervious area causing additional drainage issues – one issue that was brought up in the report. In terms of the comments of the Comprehensive Plan, he hasn't had the opportunity to research the Comprehensive Plan, but he would make a note, that generally speaking, if a plan is in conformance with your subdivision regulations and the zoning ordinance, with the exception of the waivers, we meet the zoning requirements, and in fact should be deemed to be in conformance with your Comprehensive Plan. He would suggest continuing this matter a month to have the opportunity to address the issues that were brought up. He is not asking to put it out to a public hearing, but to give them the opportunity to address the issues that are addressed by the TRC and come back next month. If it is order for a decision, the Board can make a decision. Chairman Mancini stated that his philosophy is, and he has told the Board, and asked the Board, that the Board will not deny or approve a development without a public information hearing at the Master Plan level. By all means, normally when a developer comes forward, the Board likes to feel comfortable that the development looks like it meets the

requirements before it goes to a public hearing; however, if in fact, the Board or TRC does not feel comfortable with it, at some point in time, the developer will have the opportunity for a public informational hearing, the Board will not deny them of that. The developer will have to convince the Board that the TRC's recommendations are not as strong as they should be, and the Board will give them the opportunity to continue this development until you can respond further, as there is still time. The Board looks very seriously and strongly towards the TRC's recommendations. He does not have a problem continuing this matter until next month. Mr. Kelly stated that he realizes that he has his work cut out for him.

Mr. Ross reminded the Board that by continuing this a month, then looking at a public hearing somewhere down the road, a decision must be made by September 8th. Chairman Mancini stated that if the clock is against us, we can compromise to continue or force the Board into making a decision. We will have a public hearing, unless the applicant decides not to go further with this, he can withdraw without prejudice. That is a consideration too. But if you want to continue, we will make sure that a public hearing is held before September 8th, August the latest. Mr. Kelly stated that since he is the one requesting a one-month extension, he has no problem extending the deadline until October 8th. Mr. Reilly stated that he feels more comfortable with the extension date of October 8th, because without the extension, he would have voted to deny it. He is more comfortable having the breathing room until October 8th.

Mr. Kelly stated that he is granting an extension for thirty days until October 8th in view for the Board to vote under the Town's statutes and regulations in view of his request for an extension of thirty days to address the comments.

Chairman Mancini stated that the motion will be that the developer agrees to extend for one month the cutoff date for Master Plan approval if needed. Mr. Olean made a motion to continue this matter with an extension of one month if needed. Mr. Reilly seconded motion. Motion passed unanimously.

d. Marcoux/Gilmore Subdivision AP 15 Lot 47 Master Plan Discussion/

Kevin Marcoux Reservoir Avenue Approval

Mr. Ranaldi stated this is a subdivision under the 2005 Subdivision Regulations and is a subdivision of one (1) lot into two (2) single-family residential lots. It is classified as a Major Subdivision due to the request for one waiver. A waiver was required for 2 ½:1 lot depth to width ratio. On April 25, 2006, the Master Plan submittal for the project received a Certificate of Completeness and the Board has until August 23, 2006 to make a decision. The TRC and the Engineering Dept. reviewed the plans and have set a couple of conditions. The plan indicates that there are no wetlands on the property. The drainage goes onto Reservoir Avenue from existing

problems. In order to prevent adverse impact to existing properties and the road, the Engineering Dept. has recommended that the new house have on site drainage which would be dry wells to capture roof runoff as a condition of approval. The plans show a proposed dry well – building plans will need to show the manufacturers installation specifications and details. Also, as a condition of approval, there should be a specification that no finished floors or basements be constructed at or below the seasonal high ground water elevation as located by a certified soil evaluator. A sedimentation and erosion controls plan needs to be submitted at building permit level. The new lot is proposed to be connected to public water and sewer. A permit from NBC is needed for sewer discharge as a condition of approval. The applicant has applied for and received approval from LWC. The waiver required is for the 2 ½:1 lot to width ratio. There is significant ledge in front of the property – the surveyor and Town Planner looked at all of the options. The plan that has been presented is the best compromise. To eliminate the waiver, the existing house and driveway would need an easement from the new lot owner. To put in a new driveway, significant ledge would have to be blasted. Since this is an older neighborhood, it is a cautionary measure. There is a sufficient driveway that does not have an easement – the driveway is on the proposed new lot. There will be an access easement to the turnaround of the existing driveway. If owners change and want to put up a fence, Lot #1 would have a driveway to use without any easements. The record plan shows an issue with the abutters – there is a fence located on the property that he wanted to bring to the

owners attention. Granite bounds are also required. The TRC feels that the application fulfills the requirements of the Preliminary Plan submission; therefore, the TRC recommends that the application proceeds to the next stage which is a public hearing. Chairman Mancini asked if the TRC recommended combining the Master Plan and Preliminary Plan to a Preliminary level public hearing. Mr. Ranaldi replied yes. Mr. Reilly asked if the driveway was staying the same way it was shown on the plans and Mr. Ranaldi replied yes, with an easement to the turnaround.

Steve Long, a professional land surveyor, stated that he has an office at 640 George Washington Highway. He does not want to repeat everything that Mr. Ranaldi just explained. Both lots meet 100% of the zoning regulations. To move the driveway, ledge would have to be blasted and since there is a 24" Pawtucket Water Meter adjacent to the ledge, they would prefer not to blast. This lot could be subdivided without waivers, but this is a better plan. Chairman Mancini stated that he reviewed the plans, and it is not that bad. Some waivers are significant, but sometimes there are exceptions, and this is one particular exception for the Board to consider.

Mr. Long asked the Board to waive the public hearing due to the fact that the subdivision can meet the 2 ½:1 ratio and to combine the Master and Preliminary Plans. Chairman Mancini stated that the Board does not have the power to eliminate the public hearing. The Board can combine two hearings into one public hearing.

Mr. Olean made a motion to move the matter to a public hearing. Chairman Mancini stated that the motion is based on the TRC's recommendations that Master Plan and Preliminary Plan be combined. It will be a public hearing for a Preliminary Plan level. Ms. Hopkins seconded motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

- a. 838 Lower River Road AP 29 Lot 80 Preliminary Plan Discussion/
Susan & Charles Dean Lower River Road Approval**

Mr. Ranaldi stated that this is a minor subdivision of one lot into two single family lots under the 2005 Subdivision Regulations. No waivers are requested. Both lots have access from an existing road. The lot contains 1.09 acres and is located in RL-9 zoning district which is 9,000 sq. ft. On May 3, 2006, they received a Certificate of Completeness for the Preliminary Plan. The Board has until July 7, 2006 to make a decision. The TRC and Engineering Dept. reviewed the plans. There are no wetlands on the property and has been noted by the surveyor. As a condition of approval, there must be dry wells on the proposed house. The building plans will need to show the manufacturers installation specifications and details. Also, as a condition of approval, there should be a specification that no finished floors or basements be constructed at or below the seasonal high

ground water elevation. A sedimentation and erosion controls plan needs to be submitted at building permit level. The new lot is proposed to be connected to public water and sewer. A permit from NBC is needed for sewer discharge as a condition of approval. Granite bounds must be shown to mark location of the new property corners. Based on the TRC's review, the TRC recommends approval with the conditions stated and that final plan is delegated to the Administrative Officer.

Mr. Long stated that he does not have any problems with the conditions set forth in the TRC.

Mr. Olean made a motion to accept the TRC recommendation and approve the Preliminary Plan with the conditions as noted. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Olean made a motion to delegate final approval to the Administrative Officer. Mr. Reilly seconded motion. Motion passed unanimously.

COMPREHENSIVE PERMIT

- a. Manville Crossing AP 37 Lot 73 Comprehensive Permit Review**
Jerry Sahagian Central & Spring Street Discussion/Approval

Chairman Mancini asked Mr. Ranaldi to give a brief rundown on what a Comprehensive Permit is all about. Mr. Ranaldi stated that a Comprehensive Permit is “one stop shopping”. The mechanism that allows this to happen is that the application contains affordable housing. The affordable housing is based on requirements set out by RI Housing – it has to be deed restricted for 30 years and it has to have some form of local, state, or federal subsidy. This project is based on RI General Law 45-53. The law has evolved. The first law enacted in 1991, but recognized by developers in 2000, was under the Zoning Board purview. A lot of towns felt that the zoning board did not have the knowledge to review complicated subdivision proposals.

A moratorium was issued and the legislation was revised and amended. Now cities and town can choose to have the plans reviewed by the Zoning Board or Planning Board or both. Our Town Council put through an ordinance as to what constitutes a complete application. That was recently amended to put the power of review with the Planning Board. We felt that the Planning Board has the capabilities to effectively and efficiently review these applications. The Affordable Housing Plan was part of the amended legislation that required towns to tell developers where they feel affordable housing could fit within their area. Our Affordable Housing Plan focuses more development in the village areas which have existing infrastructure. Outside of the village, there is a new tool called Inclusionary Zoning. This is a friendly Comprehensive Permit.

Mr. Ranaldi stated that this application as existing is three buildings,

each with three units, on one lot. This is in Manville. According to the developer, it is envisioned by the Town and financial institutions as a commercial property so it limits the ability to buy this property. Only people who can get a commercial mortgage or loan can buy this property. The developer has presented a Comprehensive Permit to subdivide it into three lots – each building would have their own lot. It would allow a regular homeowner to get a conventional mortgage for a three family. In exchange, one unit would be restricted for thirty years as an affordable unit. Chairman Mancini asked if that was one unit in each building and Mr. Ranaldi replied yes – three units – one in each building. To make this happen, the applicant would need several Zoning Board and Planning Board relief. There is a lot of relief needed and it outlined on plans submitted. After meeting with the developer and exploring all of the alternatives, all felt that a Comprehensive Permit and the ability for the town to get three affordable units to count towards our 10% goal was best. It is existing; there will be access easements for common areas, such as the driveway areas. They have sewer and water. They meet the parking requirements. To reconfigure the parking, two big trees would have to be cut down; the TRC recommends that three new trees be planted.

Chairman Mancini stated that he agreed with the TRC report that Comprehensive Permits follow the review process for Preliminary Plan stage process and also be presented to the Zoning Board for an advisory opinion. After reading the ordinance, the ordinance requires

a public hearing. The Planning Board is the authority on Comprehensive Permits as opposed to Zoning Board or Town Council. It is good to start off with an application such as this because it is not as complicated. Mr. Ranaldi stated that the developer has been very cooperative in this process. The Planning Board is the granting authority. If the Board says yes, they get a Comprehensive Permit which justifies the zoning relief needed. Mr. Ross stated that the Board is the de facto Zoning Board. Any zoning relief that is part of the application, the Board will decide. The Zoning Board stands in the same shoes as the TRC, in that it is only an advisory recommendation. The Planning Board will be making zoning decisions as well as planning decisions. He would expect that the Board would look at the recommendations of the Zoning Board. Mr. Ranaldi transmitted this application to the Zoning Board for review at the June 6th meeting.

Chairman Mancini stated that he reviewed the plans in length. Mr. Reilly asked if there were garages under the building at 92 Spring Street. Attorney John Shekarchi, representing the applicants stated that there is an existing 4 unit garage that will remain to accommodate some of the parking. Mr. Shekarchi stated that they are ready tonight to give a mini presentation. They will be going to Zoning in a couple of weeks for a recommendation. Chairman Mancini stated that he would like to schedule a public hearing separate from any other public hearings, probably in July. Mr. Shekarchi stated that they are on the June 6th Zoning Board agenda.

There are two public hearings scheduled for the July 28th Planning Board meeting. Mr. Shekarchi stated that they did not have a problem coming on a different night. Chairman Mancini stated that it is important to separate this permit from all the other things that the Board normally does. There are going to be some issues with zoning that the Board is not really familiar with.

Chairman Mancini asked if the developer would be prepared for a public hearing on June 21st. Mr. Olean asked what the Board would get from the Zoning Board by June 21st. Mr. Ranaldi replied that the Zoning Board will give an advisory opinion based on what they see to the Planning Board. Mr. Olean asked if the Board is asking specific questions of the Zoning Board or if the Zoning Board knew what to look for. Mr. Shekarchi stated that they would give a full presentation at the Zoning Board meeting. Mr. Ross stated that the Board is not restricted like the Zoning Board in terms of standards that must be met for a dimensional variance. The Planning Board has a lot more latitude. The Board can look at the need for affordable housing. Mr. Ranaldi advised the Board that the waiver and variance table is on the plan to show what each lot is requesting for a waiver or variance. Mr. Shekarchi asked how in depth they should get with experts- they don't want to bore the Board, but they do not want to have not enough information either. It is a unique situation – everything already exists – nothing is going to physically change. They were planning on spending most of their time and effort on the Land Use Element of the Comprehensive Plan since that is the intent of the

whole Comprehensive Permit. Chairman Mancini stated that he wants emphasis on those areas where waivers and variances are being requested. Mr. Ranaldi stated that the reason for the waivers is the affordable housing units. Mr. Shekarchi stated that if there was a new development, he would come in with a traffic engineer, but nothing is changing. Mr. Olean asked why the Board should go against the Zoning laws. What advantage is it to the Town to give the relief needed? Mr. Reilly commented that as the buildings are today, nothing stops you from having affordable units. He asked if there were any affordable units now. Mr. Shekarchi stated that the trade off is that the Town benefits from having restricted affordable units over a long period of time with RIHMFC reviewing it and giving a letter of eligibility. By allowing us to cut it, you take a commercial property that a regular hard working person can never buy because it is commercial. Mr. Reilly asked if it was the intent of the present owner to have a financial gain to split up the property. Mr. Shekarchi stated that it is a trade off – there is a state mandate to have 10% affordable housing. The requirement is 25%; the developer is giving 33% as affordable housing. Mr. Reilly commented that he did not know if it was worth it making one lot non-conforming into three lots that are non-conforming. Mr. Shekarchi stated that more opportunities will be available to buyers. Right now, there is more value for all nine units to be not restricted. If approved, three units will be restricted, so it does bring some value down.

Mr. Crowley asked if any of the nine current units counted against

our affordable housing count. Mr. Ranaldi replied that none of the units are counted because there are no local, state or federal restrictions over the rent. They could be rented at an affordable rate right now, but that could change next month. Mr. Crowley stated that potentially there are nine units at \$900 a month. There could be three units at \$900 a month and six sold or rented at market value. Mr. Shekarchi stated in their letter of eligibility, that rent can not exceed \$767 a month.

Edward Pimentel stated that they could get deeper into this as to what the Affordable Housing Plan is recommending for rental and existing housing stock. The other issue is to acquire funding to invest in fixing the properties could be difficult. Chairman Mancini asked how the developer benefits. Mr. Shekarchi stated that they benefit by taking a commercial property and dividing into three separate projects and getting into the market place in a bigger market share. Mr. Ranaldi stated that the biggest value is that there will be three buildings that will hopefully be owner occupied versus three units that has an absentee landlord.

Mr. Pimentel stated that this Board has already encountered Comprehensive Permits. The key component of this plan is that affordable housing is added without increasing the number of non-affordable housing stock. We are taking three units off of the existing housing units and making them affordable.

Mr. Olean made a motion to move to public hearing on June 21st.

Mr. Ross stated that the Zoning Board is not used to having extensive written decisions. He will probably write it based on the Board's finding. He will have to address their evidence to the law of affordable housing. He would like to see real evidence as to what variances the developer is seeking and addressing them.

Mr. Pimentel commented that he presented a report. The state statute regarding affordable housing imposes a required finding that have to be addressed satisfactorily by the applicant to the satisfaction of the Planning Board. He feels that the applicant must meet the burden of affordable housing needs.

Mr. Ross commented that whether the Zoning Board is persuaded or not, it must be reflected in their decision. Mr. Shekarchi stated that they will present it fully to the Zoning Board.

Mr. Reilly asked what happens if a decision is not received by the Zoning Board. Chairman Mancini stated that the meeting could be continued. Mr. Ross agreed.

Mr. Olean again made a motion to move to a public hearing on June 21st. Mr. Crowley seconded motion. Motion passed unanimously.

Mr. Ranaldi stated to the Board that the Zoning Board may not take a position on the Comprehensive Permit. Mr. Reilly commented that

was fine as long as the Zoning Board had the opportunity to review it.

SECRETARY'S REPORT

Mr. Olean made a motion to dispense with the reading of the February 22, 2006 minutes and approve as presented. Mr. Reilly seconded motion. Motion passed unanimously.

There being no further business to discuss, on a motion made by Mr. Olean and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

Margaret Weigner

Attached May TRC Report:

Dear Honorable Members,

On May 16, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the May 24, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim Wiegand, Peggy Weigner, and Diane Hopkins. Also in attendance representing projects on the agenda was Joshua Rosen from Commonwealth Engineering, John Mancini from the Law Office of Michael Kelly, and Thomas McNulty. Below are the Committee's recommendations:

Major Subdivision Review

a. Bank RI AP 28 Lot 51 Public Hearing – 7:15 PM

- Bank RI George Washington Hwy Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three commercial lots. The proposed project is classified as a Major Subdivision due to the project's need for zoning relief which was granted on April 4, 2006. This project is in front of the Planning Board for a Public Hearing and a Preliminary Plan discussion. On April 10, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the

Preliminary Plan review must be made by August 9, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The preliminary plan submission included a plan entitled “Site Plan for Proposed Subdivision of Land, Bank RI”, AP 28, Lot 51, 629 George Washington Highway, Lincoln, Rhode Island, prepared for Bank Rhode Island by Joe Casali Engineering, Inc., dated December 2005 and last revision noted on March 2006. Also received was a report entitled “Project Narrative” Bank RI Proposed Subdivision of Land AP 28 Lot 51 prepared for the above owner by the above consultant dated March 2006. In addition, a letter was received from Casali Engineering, Inc. dated March 2, 2006 to the Narragansett Bay Commission for a Sanitary Sewer Discharge Permit. Also included are proposed deed descriptions for the permanent rights-of-ways developed for the land locked lot in the rear. Below are the TRC concerns.

Site plan - The proposed temporary nature of the landlocked lot 1 is not guaranteed. In order not to create potential problems, the following (potentially defeasible) easements must be granted in the private 40 foot wide right of way shown on the plan as a condition of approval:

1. Vehicular/pedestrian access to and from George Washington Hwy

for lot 1 across lot 2.

2. Vehicular/pedestrian access to and from George Washington Hwy for lot 3 across lot 2.

3. Sanitary sewer connection for lots 2 and 3 through lot 1.

4. Water service for lot 1 through lot 2.

The applicant has included deed descriptions for proposed rights-of-ways. The TRC recommends that these easements be reviewed by the Town's solicitor's office.

Groundwater - It is recommended that finished floors or basements of any proposed buildings must be set above the seasonal high ground water elevation since the discharge of excess groundwater could adversely impact adjacent properties if not directed to the State Highway drainage system. This must be a condition of approval for the subdivision.

Wetlands - The consultant has flagged wetlands on site. An application for verification of the wetlands has been requested from RI Department of Environmental Management (RIDEM) to confirm the type and extent of any wetlands. This must be a condition of approval for the subdivision. When any construction work is proposed, the project may need to obtain a RIDEM Wetlands Preliminary Determination permit.

Traffic - In the above report, the consultant has concluded that no RI Department of Transportation (RIDOT) Physical Alteration Permit

(PAP) is required at this time. The land use will be changed by this subdivision. Land use changes trigger a PAP. However, the PAP will need to be filed when a specific, proposed use is identified. Such a permit will be required as condition of a building permit.

Utilities - Approval from NBC is required as a condition of preliminary plan approval. An easement is required to connect proposed lot 3 to the NBC interceptor sewer shown on the plans. The Lincoln Water Commission (LWC) superintendent has communicated to the Town Engineer (telephone conversation 1/13/06 and in a written letter dated March 7, 2006 to the project engineer) that public water service is available to this subdivision but at this time, the applicant is not proposing any construction or water services for this subdivision. However, any new lots will be required to submit a plan for preliminary approval of a new service which meets LWC requirements. While no new water services are requested, the LWC did request three conditions of approval of the proposed subdivision. The conditions are as follows:

- 1. An updated plan showing all existing easements and water lines, including the end of Wake Robin Road to the south of the proposed Lot 1.**
- 2. A dedicated 20 foot wide easement from George Washington Highway to Wake Robin Road for the future connection of the existing 8-inch water line servicing the Dunkin Donuts to the 8-inch water main in Wake Robin Road.**
- 3. Any future construction will be required to loop the water lines**

through the easement.

Drainage - Drainage towards George Washington Highway will be reviewed by RIDOT as part of the PAP. Drainage design from the future construction in the subdivision must include no increase of storm water onto any Town roads or infrastructure so as not to cause or exacerbate any drainage problems down gradient of the site.

The applicant has received, reviewed, and accepted the above noted comments at the Master Plan phase of this project. The applicant has already begun to address the concerns. As presented above, the applicant is at Preliminary Plan phase which requires a public hearing. The TRC feels if the public hearing goes well and the applicant agrees to the above noted conditions of approval, the Technical Review Committee recommends Approval with Conditions of this Preliminary Plan Subdivision.

b. Sables Road Subdivision – Phase 1 AP 44 Lot 33 Preliminary Plan

- Leslie W. Sables Angell and Whipple Road Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and

one new cul-de-sac. Phase two presents the development of 6 single-family residential lots. On April 26, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Phase one of the Preliminary Plan must be made by August 24, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 21 sheets entitled "Preliminary Plan Submission for Phase I, Sables Road Subdivision", Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated May 5, 2006. Additional material received includes a report entitled "Stormwater Management Analysis" revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed.

Wetlands

The proposed subdivision requires an approval from Department of

Environmental Management (RIDEM) Wetlands. The Town sent a letter in December 2005 to RIDEM Wetlands notifying them that the developer has the authorization from the Town to include improvements to East Lantern Road and Lantern Road in Lincoln as a part of their application. According to the applicant's consultant, the permit application is pending. A RIDEM Wetlands permit that includes both Phases 1 and 2 is required as a condition of approval.

Drainage

There are existing drainage problems and seasonal high groundwater in the area of the project. The Town has reviewed the drainage report for the proposed development. The two detention basins and the drainage collection system have been sized and located so as to mitigate storm water flow from the site. Phase 2 must show the swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their deeds.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. The Town Engineer did not witness the excavations; however, the engineer submitted information from a certified soil evaluator for test pits in the locations of the two proposed detention basins and other locations. The bottom of the two detention basins appears to be set above the seasonal high ground water elevation. A

condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The TRC and the Town has reviewed this option and consider this arrangement to be acceptable. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the Department of Public Works. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association and accessible to the Town in case of an emergency. The developer must also provide a generator for the Rollingwood pump station, as agreed in discussions May 2006 between the Department of Public Works, the applicant and his attorney, as a part of mitigating the impact to the existing area's collection system. This item is included in Phase 1. Preliminary approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

The developer stated that he has negotiated an acceptable waterline design with the Lincoln Water Commission (LWC). The homeowners

association will be responsible for the water lines within the development. The Town has not yet received any written approval for the project from the LWC. A written approval from the LWC is required as a condition of approval.

Cemetery

It appears that only filling, not excavating is proposed within 25 feet of the existing cemetery. The owner of the cemetery should be determined, if possible, or easements associated with it. Access to the cemetery has been provided from the proposed cul de sac.

Traffic

Phase 2 must show the off site road improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road, as specified in the master plan approval. The easement must describe the property owners' and the Town's responsibilities.

Site Design/Plan

Two of the lots have less than the minimum buildable area due to zoning setbacks, wetlands and/or easements. These are the following:

- Lot 6 does not appear to have a sufficient building envelop to construct a house. The setbacks shown are incorrect. This lot cannot be approved as drawn.**

- Lot 10 contains less than 40,000 square feet of buildable area, as defined in the Subdivision Regulations. This lot is not approved in its present configuration as a part of Phase 2.

The TRC feels that the engineer can redesign some of the lot lines to address this concern. A waiver for sidewalks is requested from the applicant.

The TRC feels that if the applicant can address all of the over concerns, the this phase advance to the public hearing stage during the next regularly scheduled Planning Board meeting in June

c. JCM Estates AP 26 Lot 2 Master Plan

- JCM, LLC Jenckes Hill Road Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision

on the Master Plan must be made by September 8, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Master Plan Submission for JCM Estates Major Subdivision,” on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005. Other information received included a letter of water service availability from the Lincoln Water Commission dated May 5, 2004, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005. In addition, the applicant submitted an “Environmental and Community Impact Report” prepared by the above engineer dated December 2005 for the above project.

Subdivision Regulation Waivers

The above referenced subdivision as presented requests three subdivision regulation waivers. The three waivers are as follows:

- 1. Width of Road – 24 feet wide**
- 2. Sidewalk requirement – no sidewalks**
- 3. Granite Curbing requirement – no curbing**

The TRC and Engineering Division and members from the

Department of Public Works reviewed each of the above noted subdivision waivers and recommends that none of the requested waivers be granted. The proposed subdivision road is substandard. The subdivision regulations require a 30 foot wide paved roadway. The applicant is presenting a 24 foot wide paved roadway. The applicant does not present any reason or reasons for this waiver. Public roads narrower than 30 feet have been proposed by other applicants but substandard roads have not been approved in Town over the last 11 years. The local fire departments, the emergency director and the highway division all have concerns and issues with narrower roads for access, safety and maintenance. This standard has been in existence since 1995. A new public road would have to be designed according to the Town's subdivision regulations. A private road is not allowed within Town. Therefore, the TRC feel that a reduction of the road width standard is not acceptable to the Town. Denial of this waiver is recommended.

The subdivision regulations require sidewalks on at least one side of the roadway. The applicant is requesting a waiver of this standard. The TRC considered this waiver. The applicant does not present any reason as to the need for this waiver. The Planning Board has consistently reviewed and assessed the requirement for sidewalks for all applications involving new roads. This waiver has been granted in the past as well as denied. The TRC defers to the Planning Board as to granting this waiver.

The consultant for the developer noted that the applicant intends to request a waiver from the requirement for granite curbs. This standard has been in existence since 1995. This standard has been consistently required and enforced throughout the Town because of the significant, long term viability of granite curbing. It has been a policy of the DPW that all curbing material be granite. This policy also is extended to existing roads in need of curbing repair. Therefore, the TRC feels that a use of curbing material other than granite is not acceptable to the Town. Denial of this waiver is recommended.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003

Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feel that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

- Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and construction of land development and subdivision”. It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.**

- Purpose (3) - Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment - The project does not “promote the protection of the existing and natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment” and does**

not “provide for adequate surface water runoff”. The drainage is concentrated to a point source that is directed towards an abutters back lawn where a pool and shed are located. The cross culvert is not located to carry existing storm water flow from Jenckes Hill Road to the existing headwall.

- **Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure - The project does not “encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town”. Limerock village is a where the Town “seeks ways to use less land” for development.**

- **Purpose (5) - Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.**

Wetlands/ Drainage

Natural Resource Services, Inc. performed a wetland's delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the subdivision approval. This condition is consistent with most applications that come before the Planning Board.

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site.

This property is at a low point on Jenckes Hill Road. Storm water runoff from the road discharges onto the property. Any construction including the proposed road would need to be designed to allow flow to continue across and onto the property. A cross culvert is shown near the entrance of the road at Jenckes Hill Road. In order to effectively channel the drainage, the culvert needs to be within the state highway ROW, north of the stone wall so that the drainage will pass under the proposed road. This would have to be redesigned, reviewed, and accepted by the Town. Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access or new land use. A PAP must be obtained as a condition of this subdivision approval. The drainage would need to be shown on the RIDOT Physical Alteration Permit (PAP) application.

The project is proposed to utilize two ‘water quality units’. These units are usually used at the outlet from a detention basin, where the maintenance would be minor. As the first line water quality defense on a roadway, where sand, salt and debris would be trapped, it would be a significant maintenance issue for the Public Works Department. The proposed system is unacceptable to the Town who would ultimately have the responsibility of future maintenance.

The outlet from the drainage at the end of the proposed cul de sac is directed towards an abutter’s back lawn where there could be an adverse impact to the lawn, a shed, a pool and the house. The outlet will have to be redesigned so it is directed away from the abutter’s property.

Utilities

The new lot is shown to be connected to public water. The “Environmental and Community Impact Report” (report) states incorrectly that “the Town of Lincoln Public Water Supply” will service the additional subdivision lot. This is incorrect; the public water supply is the Lincoln Water Commission. While the existing lot is presently serviced by public water, service to an additional lot has not been obtained. The applicant received a letter stating that water is available from the Lincoln Water Commission. However, the letter is two years old. Approvals for water service are good for only one year. In addition, according to the letter, the service was not

indicated, so no proposed water system could be approved. Availability of public water and service to the proposed lot is required as a condition of subdivision approval. The developer must obtain a permit from Narragansett Bay Commission for the sewer discharge. This permit is required as a condition of the subdivision approval.

Proposed Right-of-Way

The configuration of the road would leave an irregularly shaped piece of land and not the standard 10 foot wide right of way (ROW) or “sidewalk” area. This odd-shaped parcel proposed to be given to the Town is not acceptable to the Town. The Department of Public Works (DPW) is ultimately responsible for maintaining the road ROW; this area does not meet the standard configuration. The Town has had experience with irregular additions to the ROW and found that such areas represent a long term maintenance problem and result in an undue burden to the Town and the neighbors located near the parcel of land.

Site plan and design

Due to the known seasonal high groundwater in this area, a condition of any subdivision approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permits. This condition is consistent with the recommendations that the

Engineering Division has requested for other new subdivisions.

The driveway for the original house must be closed off if there is a new driveway proposed off of the proposed roadway. This must be stated on the plans. The TRC recommends that the applicant recheck the setback requirements with the Zoning Enforcement Officer. The TRC feels that the setback may not be correct. The existing shed on the original lot does not conform to the current zoning requirements. The shed would either have to be removed, relocated or receive zoning relief in order to meet current zoning regulations. The TRC recommends that the shed be removed, relocated, or a dimensional variance be granted as a condition of approval.

Following the above noted analysis of the proposed project, the Technical Review Committee finds that it would be extremely difficult for the applicant to successfully address all or even most of the presented concerns. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.

- d. Marcoux / Gilmore Subdivision AP 15 Lot 47 Master Plan**
- Kevin Marcoux Reservoir Avenue Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for one subdivision regulation waiver of the 2 ½ to 1

lot to width ratio. On April 25, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by August 23, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a set of plans entitled "Preliminary Plan" and "Record Plan" AP 15 Lot 47, Reservoir Avenue in Lincoln, Rhode Island, prepared for Kevin Marcoux by Marsh Surveying Inc., dated April 20, 2006. Other information received included a photograph of the driveway opening and notification of sewer availability from the sewer supervisor.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. The drainage on Reservoir Avenue has existing problems. In order to prevent any adverse impact to the existing properties and the road, the

Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the manufacturer's installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). Per a telephone conversation with LWC staff, the plan for water service was initially not approved, however, the applicant will be submitting a new plan. The applicant must obtain approval for the new service as a condition

of this subdivision.

Subdivision Waiver

As noted above, the proposed subdivision would require a waiver of the subdivision regulation of the 2 ½ to 1 lot to width ratio. The TRC reviewed this request and determined that the request is due to existing physical constraints of the lot. Currently, the lot contains a large amount of ledge within the front portion of the site. The application contains a photograph of the existing ledge outcropping. The proposed design represents a realistic solution to this constraint.

The applicant could eliminate the waiver but significant ledge would have to be removed and the existing driveway would have to be reconfigured. The TRC feels that the proposed design and requested waiver is realistic and represents good land development. Therefore, the TRC recommends that the waiver be approved.

Record plan

Granite bounds must be shown on the final plan marking the location of the new property corners. The issue of the abutter's fence located on the property must be resolved by the owner.

Based on the above noted minor concerns, the TRC feels that the application has been developed and fulfills, the requirements of a preliminary plan submission. Therefore, the TRC recommends that the application stages be combined to Preliminary Plan and the application be set for a Public Hearing during the next meeting.

Minor Subdivision Review

a. 838 Lower River Road AP 29 Lot 80 Preliminary Plan

- Susan and Charles Dean Lower River Road Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two conventional single-family lots. Both lots are accessed from an existing road. The subject lot contains approximately 1.09 acres of land and is located in zoning district RL-9 (9,000 square feet – Residential Limited).

On May 3, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by July 7, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary minor plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Preliminary

Minor Subdivision” AP 29 Lot 80, Lower River Road in Lincoln, Rhode Island, prepared for Ernest Yelle & Susan Dean by Marsh Surveying Inc., dated February 15, 2006. Other information received included notification of sewer availability from the sewer supervisor.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. There are no drainage structures in the street adjacent or nearby on Lower River Road. In order to prevent any negative impact to existing properties or the road, the Engineering Division recommends that the new house have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the manufacturer’s installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). The applicant must obtain approval for the new service as a condition of this subdivision.

Record plan

Granite bounds must be shown marking the location of the new property corners.

Based on the TRC's review and if the applicant accepts the above noted conditions of approval, the TRC recommends Preliminary Minor Plan Approval with Conditions. The TRC also recommends that final plan approval be delegated to the Administrative Officer. The conditions are as follows:

- 1. The new house shall have onsite drainage attenuation such as dry wells to capture the roof runoff. Building plans will need to show the manufacturer's installation specifications and detail.**
- 2. No finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.**
- 3. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge.**
- 4. The applicant has applied for approval for water service to the**

proposed new lot from the Lincoln Water Commission (LWC). The applicant must obtain approval for the new service.

5. Granite bounds must be shown on the final plan marking the location of the new property corners.

Comprehensive Permit

**a. Manville Crossing AP 37 Lot 73 Comprehensive Permit Review
- Jerry Sahagian Central and Spring Street Discussion / Approval**

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”.

This application represents the subdivision of one lot into three lots. The current parcel contains three buildings and associated parking. Each building contains three dwelling units for a total of nine dwelling units. The buildings, parking and public infrastructure are all existing. This proposal entails subdividing the property into three lots thereby permitting greater latitude in the usage and marketability of the separate properties. The present configuration renders rehabilitation and homeownership difficult considering financial institutions treat properties such as this one as commercial apartment complexes unlike triplexes that are defined as residential

dwelling units.

In order to accomplish the above subdivision, numerous subdivision waivers and zoning relief would be required. Therefore, the property owner is proposing a Comprehensive Permit with the establishment of three affordable housing units – one unit per building. While Comprehensive Permits have been controversial in the past, this unique proposal represents the conversion of already existing buildings and infrastructure. No new construction is proposed. Any community services are presently being furnished by the Town to the residents of the complex.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Preliminary – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated December 5, 2005” and narrative report by Edward Pimentel, AICP entitled, Comprehensive Permit Application – Three-Lot Minor Subdivision Application – Existing 9 units –

Three-Units per Lot, Respectively – Intersection of Central Street and Spring Street, Lincoln RI Assessor's Plat 37, Lot 73''

The TRC reviewed this application in light of the Town's Affordable Housing Production Plan. As outlined in this plan, the town has several tools it can use to encourage the establishment of affordable housing. One such tool is Comprehensive Permits. Comprehensive permitting has been controversial in the Town of Lincoln. Before the moratorium on comprehensive permit applications by for-profit developers was passed by the state legislature, developers had used the comprehensive permit process to propose large developments with 100% density increases and 20% affordable housing. However, depending on the situation and how it is used, comprehensive permitting can be an asset and useful tool for a municipality. There are a number of examples of affordable housing developments throughout the State that have utilized the comprehensive permit process in a way that is beneficial to both the developer and the town. Comprehensive permitting provides flexibility and allows a Town to negotiate with developers to reach an agreement acceptable to both parties. The Town can offer a limited density increase or other incentives, such as relief from zoning or subdivision regulations such as parking, set back requirements, and curbing, in exchange for a percentage of the development being set aside for affordable housing. The Town may designate certain areas as suitable for affordable housing developments, in a density greater than that allowed by current zoning. Even if a developer is not seeking relief, comprehensive permitting offers an expedited review process that

can save a developer time and money in reduced holding costs, interest, and taxes in exchange for a percentage of affordable units being built within the project.

The Lincoln Town Council has passed an ordinance specifying procedures for applying for a comprehensive permit. This ordinance establishes a Certificate of Completeness process, which lists the items to be included in a comprehensive permit application. On May 2, 2006, the application received a Certificate of Completion. RI General Law does not specify a timeframe for review and approval of Comprehensive Permits. The TRC recommends that this and future Comprehensive Permits follow the review process for Preliminary Plan stage subdivisions and also be presented to the Zoning Board for an advisory opinion.

Based on the TRC review of this submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Wetlands/ Drainage

No new construction is proposed. This project represents existing buildings and public infrastructure.

Erosion controls

No new construction is proposed. This project represents existing buildings and public infrastructure.

Utilities

No new construction is proposed. This project represents existing buildings and public infrastructure.

Record plan

Based on a site visit and the submitted site plan, two mature maple trees will have to be removed to accommodate the proposed parking. The TRC recommends that three new trees be planted on the site in order to replace the existing trees. The TRC recommends that the title of the plans be changed to read “Comprehensive Permit – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated ____”. The TRC recommends that a final site plan be developed showing the proposed trees and locations of all existing public infrastructure and a final record plan with only the proposed property lines.

Zoning Board Review

The TRC recommends that this Comprehensive Permit be presented by the applicant to the Zoning Board for an advisory opinion.

Public Hearing

The TRC recommends that the applicant present the Comprehensive Permit in June during a public hearing.

Major Land Development Review

a. Nafta Mill AP 34 Lot 14 Final Land Development

- A. F. Homes Old River Road Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the residential development of up to 41 condominium units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.

On October 26, 2005, the project received Preliminary Plan approval with conditions.

The Conditions are as follows:

- 1. The RIDEM Settlement Agreement and work plan must be approved by RIDEM and submitted to the Town for review as a condition of preliminary plan approval. No construction can be allowed until the work plan is approved.**
- 2. The project will require a Physical Alteration Permit from RIDOT for access to the property.**
- 3. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval.**
- 4. The project will require a RIDEM wetlands permit as a condition of approval.**
- 5. The developer is required to provide an independent professional engineer to oversee the installation of the URS systems for this project. Special attention must be given to the review and approval of**

the geotech fabric before installation.

To date, the applicant has successfully supplied the Town with the Physical Alteration Permit from RIDOT for access to the property, the Narragansett Bay Commission permit for the project, and an approved RIDEM wetlands permit. The applicant has expressed to the Town and to the Planning Board that they will supply an independent professional engineer to oversee the installation of the URS systems for this project. The Town is still waiting for a RIDEM approval letter for the proposed DEM Settlement Agreement and work plan. Therefore, the TRC recommends that no action be taken at this time.

Bond Review – Release / Reduction

- a. Cider Mill Estates AP 23 Lots 118 and 206 Bond Reduction**
- Robert J. Bouthillier Cider Mill Lane

A cash remediation bond of \$50,000.00 was set at preliminary plan approval for the above project. This amount included \$21,000.00 for the retaining wall. This retaining wall was successfully installed. Therefore, the Technical Review Committee recommends that the amount of the bond for the retaining wall (\$21,000.00) be released back to the developer. The remaining bond amount will be \$29,000.00.

- b. Lincoln Reserve AP 41 Lots 73 and 12 Bond Release**

- Toll Brothers Albion Road

A cash remediation bond of \$20,300.00 was set at preliminary plan approval for the above project. The Engineering Division inspected the site and determined that the site is adequately stable. Therefore, the Technical Review Committee recommends that the full remediation bond of \$20,300.00 be released back to the developer.

Zoning Applications (*) - May Zoning Applications

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Use Variance for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI.

AP 37, Lot 198 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the installation, operation and maintenance of a wireless communications facility on the property. The applicant is proposing to install color and texture coordinated telecommunication antennas onto the church steeple. The antennas measure approximately 4” deep by 12” wide by 72” long. The applicant proposed to install three antennas to the steeple. All other equipment will be located within the existing church facility. Based on a site visit, the TRC feels that

the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the Article 11.A.7.14. The TRC feels that the telecommunication installation will not be detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Dimensional Variance for front and rear yard setback and height relief for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI. –

AP 37, Lot 198 Zoned: RG 7

The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing building was platted and developed before present day zoning regulations. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Keith E. Beck, 8 Bridle Drive, Lincoln, RI – Dimensional Variance for side yard setback and lot coverage variance for the construction of an addition.

AP 26, Lot 133 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the rear of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Antonio A. Cruz, 4 Titus Avenue, Cumberland, RI – Dimensional Variance for front, side and rear yard setbacks for the construction of a single family home dwelling for property located on Olney Avenue, Lincoln, RI..

AP 17, Lot 91 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends

Denial of the application for several dimensional variances. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the rear of the property to build a house. The Technical Review Committee feels that the dimensional variances will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

David Uttley, 20 Dexter Rock Road, Lincoln, RI – Dimensional Variance for front yard setback for the installation of pre-cast concrete stairs.

AP 23, Lot 20 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary. The TRC feels that the applicant can redesign and rebuild the existing landscaped area and retaining wall. The Technical Review Committee feels that the applicant is

creating the need for a dimensional variance by removing the existing landscape and proposing a staircase.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Final Plan Approved AP 22 Lot 40 Great Road

On May 3, 2006, the applicant presented documentation that he successfully addressed all of the conditions of approval and final plan requirements. Therefore, final plan was granted for this two lot subdivision.